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THE
M E A S U R E
OF
REGULATING THE ASSIZE,
AND OF
THE DUE MAKING OF BREAD,
EXPLAINED:
WITH A SHORT
C O M M E N T A R Y
ON THE
N A T U R E A N D S C O P E
OF THE
PROVISIONS OF THE LATE ACT.

By ^{Thomas} T. POWNALL, Esq. M. P.

LONDON:

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M D C C X C V.

MEASURE

REGULATING THE ASSIZE,

AND OF

THE DUE MAKING OF BREAD,

EXPLAINED:

WITH A SHORT

COMMENTARY

ON THE

NATURE AND SCOPE

OF THE

PROVISIONS OF THE LATE ACT.

BY T. BOWNALL, ESQ. M.P.

LONDON:

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A luxuriant and voracious Waste of this Black-
ing, and an unequal Distribution of that which the
Wealth of the Nation have sent the general
Cases of Distress in the Whole, and of War in
particular.

Particular Accidents, such as the Particular Acci-
dent amongst the human Species, may diminish and
cut off the ordinary source, and Cause of supply;
but I for my Part, do not think that the Object of
can be prevented, or remedied, and the Object of
my Consideration.

This Truth, which the whole History of the
Food of Man, the present Design, in the follow-

REGULATING THE ASSIZE, AND OF THE DUE MAKING OF BREAD, EXPLAINED.

THAT GOD NEVER MADE MOUTHS, BUT THAT
HE FOUND BREAD, is an Adage as important in its
Principle, as it is universal in its Truth; and no-
thing but the constant Perversion of Man in the
Wickedness of his Heart ever could counteract it
in Fact.

The Proportion of Food, both animal and vege-
table, which Nature and human Labour may pro-
vide for Man, is, in Abundance, beyond the Ne-
cessity of the Wants of the Individual, and of the
Community at large.

* A luxurious and avaricious Waste of this Blessing, and an unequal Distribution of that which this Waste suffers to remain, have been the general Causes of Deficiency in the Whole, and of Want in particular.

Particular Accidents in Nature, particular Accidents amongst the human Species, may obstruct and cut off the ordinary Source and Course of Supply; but I speak not of these. Those Matters only which can be prevented, or remedied, are the Objects of my Consideration.

These Truths respect the whole Extent of the Food of Man: My present Design, in the following Explanations, goes only to the Article of Bread-corn and Bread, and to that Species of it used chiefly in *Europe*, Wheaten-corn and Bread.

The Grain, which makes this Article of Food, consists of a Farina, or Flour, enclosed in an Envelopement of many Lamina, or Coats; the outward Hull seems meant rather as a Guard and Shield to the Flour (as the Shell of the Nut is) than as Part of the Aliment; this is easily separated from the Flour, and will in great Part moulder away with Age into Dust. The inward finer Lamina, or

* I could here, from authenticated Facts, give a Detail of the Waste of Flour under various Articles, to a Quantity which to be mentioned, without the Detail and Proof, would exceed all Belief.—The single Article alone of Upholsters' and Paste-board-makers' Consumption of Flour in Paste is so great, that, although some Estimate may be made of it, I am at present afraid to mention it.

Coats,

Coats, are not so easily separated; and even when, by the Force of Art, they are attempted to be torn off from the Nucleus of the Flour, they will carry off inseparably with them some of the Farina also. The very finest of this Flour will, on the other Hand, find some of the interior Coats, which partake of Aliment, ground down, and mixing in with it.

Nature hath constantly mixed in with this Article of Food the Principles of Digestion and Nourishment; the one Part is the Vehicle, the other is the Aliment; and what Nature hath so allied as not to be easily separated, that the Law of Nature, in physical as well as moral Truth, doth mean should not be separated. When the Grain is ground down, and no Separation made of even the outward unnutritive Hull, there the Food is conveyed by a Digestion, too quick in proportion to the Nourishment which might otherwise be derived from it. On the other Hand, where the Contrivances and Force of Art have separated the Nucleus of the Flour from every separable Coat, the Flour, in this Excess of Refinement, (howsoever it may appear, by stuffing and dwelling on the Stomach, the sooner, and with less Quantity to satisfy the Appetite,) does not in reality become either so wholesome or so nutritive. The Defect is the Want of the proper Vehicle, which is to conduct Digestion, and carry the Aliment through the Operations of the animal Economy.

That medium Preparation therefore of the Grain for Food, which throws off the outward and coarser Coats, the Hull only, keeping at the same Time the interior and more united Lamina, which Nature seems unwilling to have separated, appears to be the true Standard between the Two Extremes. This Flour is what is called the whole Produce of the Grain, as it comes within the general and ordinary Powers of Man to obtain.

This Produce, by an unvaried Series of Experiments, made from Age to Age, through the Course of many hundred Years, appears to be Three-fourth Parts in Weight of the whole Grain of Wheat, taking all Wheats together. It will be more in the finer Wheat, it will be less in the coarser; it will be more in old Grain than in new, as in the former the outward Coats will be found to have been worn, and wasted; but, upon an Average of all, this Flour, called the whole Produce, hath been found to be in Weight Three-fourths of the Wheat, whence it is produced*.

The *natural Colour* of Bread made from this Wheaten Flour *is not White*, it is of a yellowish Cast, or Tint; *that which is White is artificial*; it owes its Colour not to Nature, but to Art.

This Wheaten Bread, made of this Whole Produce, hath been deemed, for Ages, the Standard

* Upon this Fact, as grounded in Experiment, the whole System of all our Laws respecting Bread is built.

of the Food of Bread-corn, and it is actually so in every respect; it is (betwixt the two Extremes) the greatest possible Quantity of Nutrition to be produced from the Grain. A farther Refinement of the Flour must lessen the Quantity: But, while such pleases the Eye, and stuffs the Stomach, it does not fill the Belly, and nourish the Body, in the same Degree. To suffer more of the outward Hull or Bran to remain is to mix in with the Flour not only what is not of itself nutritive, but what counteracts the Nutrition, or Aliment, and so, in the End, hath less Food in it.

The Mealmen and Bakers, fortifying themselves in the Proposition, "That no new Division of the Flour could produce *more Bread* than the present Modes practised do produce," were very desirous that the Publick should draw this Consequence, That, therefore, as one might do Mischief and could not do good, it was safer and wiser to have Matters as they at present stood. The getting *more* out of the grain than the Miller does at present get was never thought of or aimed at. *A more economical Distribution* of what was produced was the Scope of this Measure, by which the People at large would have a *better and cheaper Bread*.

When the Wantonness and Luxury of Men go into various Divisions of the Meal, there is no End of the Folly or of the Mischief. They destroy the Wholesomeness of the natural Food to please the Luxury of the Eye and the Pride of the Heart.

Nature would best feed them, but Art must pamper their Wantonness. Folly perverts, in their own Hands, the Blessing which Nature gives, and, if it went no farther, it would be its own Reward; but the Mischief is, that, while it spoils its own Food, it makes a Waste in the Whole, and destroys that which is left to the Poor and Labourer. *Folly* divides the Aliment from its Vehicle, and *Pride* calls this fine Flour its own. The unequal Power of Man takes this for the Rich, and leaves to the Poor the bare Vehicle, emptied of its Food and Nourishment. What it keeps to itself is not so wholesome; what it leaves to the Poor is scarce Food.

To counteract this Perversion and Waste, this Pride and Sin, which robs the Poor; to make that Distribution of Bread, that, where there are Mouths, (according to the Law of Nature and the Will of Heaven,) there may be Bread to put into them; was the Scope of all the Regulations and Laws of Assize established by our Saxon Ancestors in the earliest Times. The Pride and Luxury of the Rich, administered to by the Craft and Mystery of the Millers and Bakers, have been perpetually employed to subvert or to evade these Regulations. The Scope of every Law, from the Time of King *Henry* the Third to that of the Eighth Year of the Reign of Queen *Anne*, hath been pointed to repress the Folly of the one, and to correct the Iniquity of the other.

Soon after that Time, the Mealman and Baker, becoming two separate Branches of Trade, and the

Meal-

Mealman withdrawing his Dealings from under the Regulations of the Assize, the Laws, as they had hitherto operated, could no longer act. The Baker, forced to take Divisions of Flour which were not calculated to make the Bread that the Law required, could no longer observe the Assize *, the Magistrate could not exact the Observance of it without ruining the Baker †. This Mischief went on, under mutual Complaints, and temporary Expedients, till at last, in the Thirty-first Year of the Reign of King *George* the Second, as the Mealman would not, and the Baker could not, conform to the Law, a new Law was made to conform to the Mealman's and Baker's Practice. The old Standard Wheaten Bread was laid aside; and, upon the very Principle of the Waste and Perversion which I have described above, Two Sorts of Wheaten Bread, supposed to be adapted to the Divisions of Flour then in use, namely, one called a *Wheaten*, the other a *Household Bread*, were directed to be made. The one was *Whiter* than the Wheaten which had always hitherto been in use; the other was *Browner*, and was defective in Nutrition. At the making of this Law stood, for the first Time avowed, the Distinction of the Rich Man's and the Poor Man's Bread. —This added Aggravation to Oppression. While

* This was proved, in 1735, before a Committee of the House of Commons.

† This Fact may be collected from the succeeding Journals of the House.

the Pride and Wantonness of the Rich was pampered,—the poor Man's Bread, made of Stuff from which too great a Proportion of the Flour had been taken, and which had not the Heart of the Wheat in it, had not that Nourishment in it which it ought to have. Those, whose Bread was really and literally *the Staff of Life*, (being the only Food in common which they had to eat,) had not that Nourishment which they could work by, and live upon. The Labourer and Poor therefore reasoned right, (because they reasoned as they felt,) when they said, that the *Brown Bread*, such as was made for Sale, would not feed them. The Bread, called by Law *the Household*, even were it such as a proper and fair Division of the Bread corn would make, is not made, is not at Market. That which is substituted in its Stead by the Trade, and what the People properly call *Brown Bread*, is not *that* Staff of Life which the Poor and Labourer have a Right to. Those who labour have a Right to be fed; the Humanity as well as Divinity of the Scriptures say, that we must not *muzzle the Mouth even of the Ox that treadeth out the Corn*, much less so then of Man. Thus far therefore Nature and Justice plead the Right of the labouring Poor. But when, misled by their Eye, and deceived by the Miller and Baker, the People run into the contrary Extreme, and say, that the *White Bread*, that artificial whitened drying stuffing Bread, has alone the Heart of the Wheat in it, is the true Staff of Life;—they too have their Pride

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and Wantonness. "*The Eye grows wiser than the Belly,*"—and they are defrauded both in their Pockets and in their Bellies.—They pay dearer for their Food than they should, and have less Nourishment than the same Quantity of Grain would produce in its true Form of Aliment. That Flour which contains the greatest possible Quantity of wholesome Food is the true Heart of the Wheat, is the Standard to go by, is the Staff of Life.

The *Wheaten Bread* therefore, and not the *Whitened*, the Natural, *not the Artificial*, is the Standard, as it hath always, for Ages back, been deemed to be.

There is reason to suppose that the great and good King *Alfred* settled this Standard. This was the Standard by which the Parliament, in the Reign of King *Henry the Third*, from a *Revisal of the Wisdom of old Saxon Ordinances*, regulated the Assize of Bread; that very Assize which continued through so many Ages down to the Thirty-first Year of the Reign of King *George the Second*. Then indeed a new-fangled Act of Parliament, affecting to be wiser than the Experience of old Times, first left this Standard, and brought in confusion. It directed *two Sorts* of Bread only (made of Wheat) to be baked and sold; giving that Direction, without any possible Definition or even Description of the *Sorts*. It gave this Direction, to the Exclusion of all other Sorts made of Wheat, even should the People have been used to, or willing to eat, a coarser and cheaper Sort.

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The Old Standard Wheaten Bread, made of the whole Produce of the Wheat, became hereby *absolutely prohibited*.

See the Effect and Operation of this Law. The Wheaten Bread, which the Law promised, was not made, but an inferior Sort, containing a greater Proportion of the inferior Division of the Flour than was supposed,—and yet the People paid for it at the Price of the legal Bread. The other Sort, called *the Household*, by reason that the greatest Part of the Nutrition of the Flour was thrown into the Division appropriated to what was called *the Wheaten*, could not be made: And even, could at any Rate a Quantity have been made sufficient for the greater Supply of the People at large, the Baker could not have afforded to sell it at the Price which the Law prescribed. The real legal Household Bread therefore was not, no more than the real legal Wheaten, made and sold.—Instead of the Household, a *Brown Bread*, made of a refuse Stuff, came to Market. This the People at large would not eat; not even the Poor would eat it. This therefore ceased to be in the Market in common. And hence it was, as the Preamble of the present Act truly says, “That
“many of the inferior Classes of the People, more
“especially, have been under a Necessity of buying
“Bread at a higher Price than they can afford, to
“their great Hurt and Detriment;” and, I may add, to the great Hurt and Detriment of the Community. For if the Wheaten Bread, as made under
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that Law of King *George* the Second, be, as it is, the only Bread consumed in general, especially in and near to great Towns, and be Fourpence in the Peck Loaf dearer than the Standard Wheaten Bread before used,—the People at large do consume Wheat, in Bread, at *Eight Shillings in the Quarter* dearer than they ought to do.

Who will now wonder, that the People have always of late Years begun to clamour, as soon as the Price of Wheat hath arisen to Forty Shillings *per Quarter*? for they at that Time consume it at the Rate of Eight and Forty Shillings. Hence the great Uneasiness of the People; hence the great Discouragement of the Farmer.

The Farmer is told, that Wheat, at Forty Shillings the Quarter, is become so dear, that he must not only be prohibited from exporting it, but that foreign Wheat must be imported, to meet him at our Home Markets *. This Discouragement lessens the Quantity sown, and increases the Evil.

Let the Reader here, before he comes to examine the Remedy which the Act of Parliament prescribes, consider whether any other Remedy, and what, could have been devised.

If it be asked, Could the Assize, by any Exertion of the Powers of the Magistrate, be so settled as to lower the Price of the present Bread in use,

* This refers to the Practice for some Years past.—The Act for regulating the Importation and Exportation of Corn will, it is hoped, put an End to this Folly, and remedy this Mischief.
according

according to the Price which the Baker pays for the Flour? the Answer is, the Baker could not make his Bread for a less Price, and have a living Profit. The Assize, in the Foundation of its Establishment, supposes its Regulations to extend to the whole Operation on Bread-corn, from the first grinding to the final baking and exposing to Sale. But, since the Division of the Mealman and Baker, the Assize does in fact extend only to the Baker, leaving the Mealman to make what Divisions of his Meal he shall please, and to set what Price upon it he shall so please. Unless therefore the Magistrate could extend the Effect of the Assize to the Mealman and Miller also, all Assize (under the Admission of these Divisions of Meal and Flour, without the Possibility of an Assay of its Sorts) must be a Deception, and inefficient.

No Operation therefore of the Assize could lower the Price of Bread, as now made.

Could any Relief have been given, by enforcing a true and exact Division of the Flour, such as the Law supposes? or, Could any other, more economical, Division and Distribution of the Sorts have been directed? As there is no Possibility of assaying Flour, so as to define, and then ascertain, the Degree of its proportionable Fineness, all Rules and Regulations (upon the Admission of any Division of Flour at all) become vague and impracticable.

The only Remedy that remained was to introduce again that STANDARD WHEATEN BREAD
which

which is made of the whole Produce of the Wheat, *without any Division of the Flour.* Defining the Flour to be the whole Produce of the Grain, the Bran or Hull only excepted, and to weigh Three-fourth Parts of the Weight of the Wheat whereof it is made; this Definition will, in the ordinary Course of Practice, answer very well, because, as there is no Reason, on one Hand, to expect that the Miller will make the Flour finer than the Law requires, so, on the other, any Man can see whether he hath left the Hull or Bran in it.—This Remedy hath this Merit in it, that it contains no Novelty, hazards no Experiment, offers nothing but what the Experience of Ages hath justified.

The principal Consideration therefore, and the only, was, the Caution under which the Regulations and Restrictions, which were meant to introduce this Remedy, should be framed.

The first was, That nothing should be done to risque or hazard the Supply of the Market by any Thing sudden or compulsory: That the Regulations should not drive, but attempt to lead: That nothing with which the Market is now supplied, even although a better Supply was established, should be *by the Law* prohibited; but that the Substitute should be introduced, together with the other now used, and recommend itself only by the Benefits in Goodness and Cheapness which would arise from it: That however, so far it should have a Preference given to it by the Law, that, although the Wheaten
and

and Household Bread should not be sold at Market, under the Protection and Regulations of an Affize, unless the Standard Wheaten Bread was also under the same Countenance and Protection; yet this Standard Bread might enjoy that Privilege, even when the other did not, if the Discretion of the Magistrate should so think proper. And, farther, if at any Time, or in any Place, the Magistrate saw that the dearer Bread might be prohibited without Danger, he might then use his Discretion, and so prohibit it.

Under the Influence of these general Principles, upon the Foundation of these Truths and Facts, *The Bill for the better regulating the Affize and making of Bread* was framed and introduced.

The Regulations, as to the due making of Bread for Sale, and as to the Affize of it,—must be divided into separate and distinct Cases: There is nothing compulsory on the Magistrate, obliging him to fix the Price of, and to set the Affize on, Bread; he may, or he may not, as in his Discretion he shall judge requisite. When, therefore, he does not so think fit to interfere, shall there be no Regulations as to the due making of Bread, and as to the fair dealing in the Sale of it? The Bill therefore was divided into Two Parts, the one containing Regulations on the Case, when the Magistrate should not think proper to fix the Price, and set an Affize on Bread; the other contained the Regulations as to the

the setting of the Assize, and selling the Bread under such Assize.

As the late Laws had not only excluded the Wheaten Bread made of the whole Produce from the Assize, but had also absolutely prohibited it, even when no Assize was set;—this Wheaten Bread became illegal, and the making of it for Sale rendered the Baker and Vender liable to all the Penalties of the Law. The first Clause therefore again *naturalizes* this Wheaten Bread, and enacts, That it may be lawful to make it, and to expose it to and for Sale. This Clause defines what it is, and what it ought to be, and calls it **STANDARD WHEATEN BREAD.**

The next Clause gives Regulations for the due making of it, and for fair dealing with the Publick in the Sale of it, even where the Magistrate shall not have thought proper to set the Assize thereon. First, it shall be made as above described; and, to ascertain what it is that is offered to Sale, and sold, the Law directs, That each Loaf shall be marked with the Letters S. W. signifying *Standard Wheaten.*

The Bakers have been taught to explain the several Clauses, which define what the Standard Wheaten Bread shall be, which give Regulations for the due making, and just dealing in the selling of it; and which affix Penalties to Defaults committed against these Regulations; as grievous at least as inconvenient. They say first, How shall they be able to prove that their Bread is made of Flour such as

the Law defines and requires? The Answer to this is, That no Law requires them to prove this. Those who inform against them, that their Bread is not Standard, must make good the Charge, and prove that it is not. They then say, But if it should be proved that the Flour of which our Bread is made is not Standard—how shall we exculpate ourselves, when we bought it as such? The Answer to this is, That there is a Clause in this Act which enables them *to set the Saddle on the right Horse*. If they bought it as such, either the Bill of Sale, or Receipt, or both, will prove that Fact, and will carry the Charge to the Miller or Mealman, who must be answerable for the Default. But here under Excuse of their not being safe in buying this Standard Flour, without the Vender's being able to certify that it is such,—and that the Importers of *American* Flour cannot so certify it, a Pretence is made for excluding *American* Flour from the Market.—But this Pretence is obviated by observing, as was said above, that the *onus probandi* lies upon the Informer, if he has the Means, when the Flour is not Standard, of proving that.—The Vender can, by the same Means, always have it in his Power, when it is really Standard, to certify that it is. But this is but a Pretence; for, it is a known Fact, that the *American* Flour is of a higher Assortment than is here required; and no Information will lie against the Baker for using a finer Flour than is strictly required of him. In fine, If there had been any Reason in these objections, it would have
opened

opened too much; it would have explained that Security which the Bakers now enjoy under the indefinite Vagueness of the present Laws.

Bread is sometimes made into Loaves purporting to be of a settled Price, as Eighteenpenny, Twelpenny, and Sixpenny, Loaves, being of greater or less Weight, according to the lower or higher Price of Wheat; And sometimes into Loaves of a certain Quantity of Bread, as Peck, Half-Peck, and Quartern, Loaves, sold at a higher or lower Price, according to the higher or lower Price of Wheat. The first Sort of Loaves is called *Affized Bread*, because, the Price being a fixed Quantity, *the Size is to vary* in certain Proportions to the Price of Wheat: The second Sort is called *Priced Bread*, because, the Size being a fixed Quantity, *the Price is to vary* in certain Proportions to the Price of Wheat. The next Regulation fixes what the Quantity in each Loaf of this prized Bread shall be; namely, The Peck Loaf shall always weigh 17lb. 16oz. Avoirdupois Weight, and the Half-Peck and Quartern Loaf in Proportion. Next, this Standard Wheaten Bread shall always be sold in the Proportions between the present Wheaten and Household, of 6, 7, and 8; that is to say, that the same Weight of Wheaten Bread as costs Eightpence, the same Weight of this

STANDARD WHEATEN BREAD shall cost Sevenpence, and the same Weight of Household Bread shall cost Sixpence; or, Seven Standard Wheaten affized Loaves shall weigh equal to Eight Wheaten

affized, or to Six Household affized Loaves, of the same Price.

As various Frauds may arise in the Sale of Bread, by the Baker's being at Liberty, when he does not make his Loaves of a due Weight, in proportion to the Price which he demands; or when he asks a greater Price than the Weight of Bread, which the Loaf purports to be, will justify; to say, in the first Case, that he did not offer it as affized Bread; and, in the second, that he did not offer it as priced Bread; or, that he made it (there being no Price or Affize set) of what Weight and Form, and asked what Price, he thought fit. The next Clause directs, "That this Standard Wheaten Bread, shall not be made into, and sold as, priced Loaves, at one and the same time, together with affize Loaves of the same Standard Wheaten Bread."

The Law then proceeds to settle a Table of the Weights and Prices at which this Standard Wheaten Bread shall be sold, when the Magistrates shall think proper to set an Affize; and directs the Magistrate, when he shall so set an Affize thereon, to set it according to the Proportions of this Table.

The next Step is, to fortify these Regulations with the Sanctions of Law, by annexing Penalties to the Breach of it.

The great Defect of all our Laws, respecting the due making and fair selling of Bread, hath been, That while, in the Ground and Reason of them, the Affize is supposed to extend to the whole Manufacture, from.

from the first grinding of the Corn to the final baking of the Bread ; yet it does, in Words and in its Power, extend only to the Baker, who has no Part in the manufacturing, mixing, or dividing, of the Flour, but who must take it such as the Miller and Mealman make it, and sell it to him. The Powers of the Law could never extend to those Actions where the whole Mischief, and most of the Iniquity, may lie. Indeed, while the Laws attempted to make Regulations about Bread, made under various admitted Mixtures and Divisions of Flour, they never could extend to the Evil ; for, there was no Possibility of fixing an Assay of Flour, or of the Magistrate knowing (if it were so fixed) whether this or that Flour was, or was not, of the prescribed Division, and due Mixture, or Assay :—But now, that Bread is directed to be made of the whole of the Flour, the Bran or Hull only excepted, and that this Whole is defined to be Flour, weighing Three-fourth Parts of the Weight of the Wheat whereof it is made, the Assize may be easily, in this Case, extended to the Miller also. This Law therefore, in the next Clause, extends the Assize to the Miller, and lays him under Penalties if he does not make the Flour, intended for this Standard Wheaten Bread, of the Standard Goodness.—There is no Apprehension he will make it better ; and it may easily be discerned if he makes it worse, by leaving any of the Bran or Hull in it.—If he makes this Standard Wheaten Flour of an inferior Species of Wheat,

and so brings an inferior Sort of Flour to Market, he cannot indeed be punished, so long as he takes Care that no Bran is mixed with it : But the Baker will either not buy it, or, if he does, will hazard the Loss of his Customers, by making his Bread of an inferior Quality. This is a first step towards bringing the Miller and Mealman under Regulations. If they resist, or evade this, farther and more sure (though at the same Time more severe) Modes are not wanting to obtain this End.

As on one Hand it would always be impossible to lay down general Rules in this Case, which could suit all Markets, and the Supply and Consumption of all Places, at all Times : And as, on the other, no compulsory Regulations are intended, such as shall direct what Sort of Bread the People shall, or shall not, eat : so the whole Purview and Scope of this Law is only to provide a more wholesome and cheap Bread for the Public in general, and for the labouring Poor in particular, than they can at present get, by establishing those Regulations which may tend to bring such to Market, and into Use. The Provisions therefore of this Law leave this Matter to the Discretion of the Magistrate, who is alone the proper Judge of the Time and Place, of the State of the Market, of the Nature of the Supply, and of the Mode and Habit of the Consumption, in his respective Country : who is alone capable of being the Friend and Adviser of his Neighbours in this Case.

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The former Part of the Law impowered the Baker to make for Sale this Standard Wheaten Bread, at all Times when no Affize is set.—This Clause secures the Point, that it shall never be excluded by any Affize; for, it directs, that, when any Affize is set on any other Sort of Bread, it shall always be set on this at the same Time. It goes still farther, in order to give a Preference to this Standard Wheaten Bread, by enacting, that the Magistrate may give this the Protection and Sanction, the Recommendation to the Publick, of its being sold under the Regulations of an Affize, even when he shall not think proper to give the same Advantage to any other Sort of Bread.

If this Measure of Preference should not succeed, in bringing this Bread forward into the Market, and into Use; and if the Magistrate should perceive, that the People in general, finding by Experience the Goodness and Cheapness of this Bread, would be glad to have it, but cannot get it; either because the Baker, having a greater Profit on the Wheaten Bread, (as now made in Exclusion of the Household,) will not make this; or, that being willing, from the general Call of his Customers, to make it, yet cannot make it; because the Miller deriving a more than equal Profit from the present Mode of sorting, mixing, and dividing, Flour, will not bring to Market this Standard Wheaten Flour. This Law, in Contemplation of such Case, impowers the Magistrate to prohibit the Sale of any Bread finer than

this Standard Wheaten Bread, except in small Loaves, Bricks, or Rolls, such as do not enter into Consumption in common Family-use.

The Bakers, in their Petitions presented to the House of Commons, and at their Examinations, said, that they were willing to make, and would make, for Sale, the *Standard Wheaten Bread*: Yet the Reasons above give ground to suppose, that, in and near *London*, it will not be made for Sale. Some recent Facts make One apprehend not only that our own Mealmen will not supply the *London Market* with Flour of which this *Standard Wheaten Bread* should be made; but that they and the Bakers will conspire to exclude the *American Flour*, of which it may be made. Various Pretences, such as I have mentioned above, *have been actually made use of*, and Three Thousand Barrels of Flour brought from *New York* have been, this Summer, at a Time when from a Scarcity and Dearthness of our own Flour the Price of Bread was raised, under cover of these very Pretences refused at the *London Market*, and were, in Consequence thereof, sent to, and sold at *Bristol*. What I have said above, shews how false and groundless the Pretence is. The true Ground must be searched for at the Bottom of a Monopoly, which will not suffer itself to be interfered with at the Market.—The Provisions however of the Act in this Clause, without hazarding any thing in the Supply, enables the Magistrate to give Relief to the Publick in such Cases. The Existence of such Facts
mark

mark not only the Propriety but the Necessity of these Provisions; and it is not to be despaired of, but that the Poor will find a Friend in some spirited Magistrate, who will dare to carry them into Execution.

The Success of this Act, and the Benefits intended by it, all depend on the Exertion of the Powers of the Two last-mentioned Clauses, and on the Judgement and Discretion with which the Magistrate shall carry the Regulations of them into Effect. They are therefore guarded with more particular Caution in the Provisions which accompany them; as to the Court which is to act; as to the Time given to the Trade and Market to prepare for the Operation of the Order, when made; as to the Time for which it shall be made; and as to immediate Relief, in case of any unforeseen Emergency; as to the hearing the Objections of the Trade against the making it; and as to the Publication, and due Notice to the Public, of its being made.

Although the common People in many Places, in the great Towns especially, have, from various conspiring Reasons and Causes, been led into the Use of *an artificial whitened Bread*, for which they pay more than it is worth, and more than the Price of Labour can afford; yet this is far from being the general Case. Whereas, on the other Hand, there are many Places in this Kingdom where the inferior Classes of the People are used to, and may be desirous

firous of being supplied with, a Bread, made of Wheat, of a coarser and still cheaper Sort than the Household Bread *, but cannot, as the Law now stands, be supplied with it, because it was not, until the enacting of this Bill into a Law, lawful for the Baker to make it.—Therefore the next Clause directs, that, for the future, it may be lawful for the Baker to make such for Sale, and to sell it, provided he sells it at a Price under the Price of the present Household Bread. Such Bread, although not containing so perfectly good Nourishment in it as the Standard Wheaten, may yet suit and answer well enough for the Food of many Kinds of sedentary Manufacturers, and, if so, will certainly best suit their Pockets. However, as it would be impossible to settle the Assay of its Fineness; and as the admitting it to rank in the Assize-Table might introduce inexplicable Confusion, this is not meant to come within the Notice of any Assize. The Consumer and Baker must settle the particular Price between themselves, so that it be always under the Price of the Household.—The Act extends the same Care, under the same Sanctions, to the due making and fair selling of this coarser Bread, as are provided in the Case of all other Sorts of Bread. Provision for the due making and fair dealing in the Sale of Bread made of, and mixt with, other Species of

* The Household Bread, such as the Law intended, not such as is made and sold, is here meant,

Grain, as Rye, Barley, Pease, &c. are already made, and enacted by the Laws now in being.

The following Clauses declare and enact the Powers of the Magistrate, and give them Protection in the due Execution of these Powers.

Saving Clauses, for the particular Exercise, in this Case, of the peculiar Jurisdictions of the Cities of *London* and *Westminster*, and of the Two Universities, are next established, and enacted.

The next Clause declares all the present Laws to remain in Force, where not altered by this present Act, and the last Clause is an explanatory One, in consequence of a Doubt which had occurred in Practice, as in the Clause itself doth more fully appear.

In those Places where the Principles and Provisions of this Act are approved of, it will be adopted, will be easily carried into Execution, and will have the Effect of giving to the People *True Standard Wheaten Bread*, at Eight Shillings in the Quarter of Wheat cheaper than they eat their *Whitened Bread* at present at. In those Places where the leading Men do not approve the Grounds and Reasons of it, and do doubt the Propriety of the Regulations and Provisions which it contains, it will not be executed, it will have no Effect, and can do no Harm. Prejudices amongst the People, Artifice in the Trade, and something not easily explained, in the Magistrate that dare not interpose, may for a Time, in some Places, reject the Remedy which this Law offers :

offers : But practical Truth will work its own Way, and the People will feel out their Own Interest, Opinions, in Cases of Practice, are founded upon other Grounds than abstract Reasoning and Argument. I shall therefore enter into no Disputes on the Subject. I thought, however, that my Duty called upon me to give the Explication which the Pages above contain.

THE
C A S E
OF THE
BAKER, THE MEALMAN, AND THE POOR
LABOURER, STATED.

HE that labours has a Right to eat; but, if the Price of Bread does not bear that Proportion to the Price of Labour that the Labourer's Wages can purchase enough to support him and his Family, he must (if we can suppose that he ought or that he will) starve. When Matters are come to that Pass, either the Wages of the Labourer must be raised so as to enable him to purchase Bread, or the Price of Bread must be lowered so as to come within the Reach of his Wages to purchase it. Whenever this Proportion is observed, or not observed, Things may be said to be cheap or dear, whatever nominal Rates they are priced at. When Wheat was but Ten-pence a Bushel it was much dearer than it is now, because at that Time the Price of Labour was but One Penny a Day, as settled by Law. A Man must at that Time Labour Ten Days to earn a Bushel of Wheat; whereas now, was Wheat Fifty-six Shillings a Quarter

Quarter, or Seven Shillings the Bushel, which is called very dear, he need but labour Six Days, at Fourteen Pence a Day, to earn the same Quantity of Wheat; the People therefore must not be misled by Names as to their Ideas of dear and cheap. If the honest and Industrious cannot live on the Wages of their Labour, Things are too dear, and the Case must be remedied. If the honest and industrious can live on their Wages, Things are not dear, whatever Rates and Names the Prices of Things are called by. The Wisdom of our old Laws, in general, settled the Proportion betwixt the Price of Labour and the Price of Bread, from Season to Season, according to the Plenty and Dearth of Bread-Corn. The Laws of this Affize in particular settled the Weights, the Measure, and the Price, of Bread, (allowing the Miller and the Baker, who are equally intitled to the Price of their Labour, their due Profits,) according to the Price of the Bread-Corn. This was done by accurate Experiments, weighing the Wheat of different Sorts, examining, by repeated Trials, what Weight of Flour could be produced from a Quarter of middling Wheat, and then what Weight of Bread, adding the Water, Salt, and Yeast, could be made from this Flour. In order to set the Price on this Bread, the Price of the Wheat, the Expence of and the Waste in grinding and dressing the Flour, and the Baker's Charge in making and baking, were added, and the Price, or rather the Affize, of the Bread was fixed accordingly. The Price of Labour was regulated

lated by this Proportion, that the honest and industrious might live by their Labour. The Price of Wheat is not now out of Proportion to the Price of Labour. How comes it then that the poor and industrious Labourer is distressed for Bread? This Matter ought to be explained, and must be remedied. Where does the Fault lie? Has the Baker exorbitant and disproportionate Profits?

Those who have examined their Charges, Labour, Pains, and Livelihood, can declare, and do bear Testimony, that they have not. They have so little, *if they duly conform to the Law*, that, had they less, they could not live by their Labour, and must leave off Trade. Has the World ever seen a Baker (One who has followed no other Trade) become a rich Man? The Baker *who conforms to the Law* has no more than reasonable Profits for his Labour, Pains, and Livelihood. How then comes this distressing and oppressive Disproportion between the Price of Bread and the Price of Wheat? There must be some Profits in some other Branches which require looking into. Let the Miller and Mealman's Profits be next examined. It is necessary to the Relief of the poor and industrious Labourer that this Matter should be thoroughly sifted; it is necessary to the Peace and Quiet of the Community that it should be thoroughly understood. The Matter should be fairly laid before the People, that they may judge in what so much concerns them; they are capable of judging, and will judge fairly. As on one

Hand

7

Hand they must know when they are imposed upon, so, on the other, as they expect to live by their Labour, they will live, and let live. By this fair Rule then let us examine the Miller's, (or as I would express myself,) the Miller Mealman's Charges, Pains, and Profits.

Here in this Place, to obviate all Prejudice, and to check Violence, I would wish the People to understand that there is not a Trader more beneficial to the Publick than the Mealman, so long as his Business is conducted fairly, regularly, and under just Profits: He is become absolutely necessary to the permanent and equal Supply of great Towns; he must therefore be encouraged, not distressed or oppressed: It must not, however, but be remarked on the other Hand, how absolutely the more necessary it becomes to take heed that he does not establish a Monopoly, or become an Extortioner.—Let his Charges and Profits, therefore, be fairly and dispassionately examined; it will be best so done in the following Form:—The Account will state the Market Price of the Wheat *per* Quarter, and the Weight of it *per* Bushel; then the Charges for carrying to and from the Mill, for grinding and dressing: Then, on the other side of the Account, the Produce of this Wheat in pure Flour and in Bran, deducting the Loss by Waste in grinding and dressing; the Account will then state the Sum returned by the Price of the Bran; the Remainder therefore, which must balance the Account, is the Price at what the Flour

Flour ought to be sold, so as to give the Miller simply his fair Profits. And this will do, where the Circumstances of the Market are such that the People can deal immediately with the Miller. I must here repeat what I said above, that the Intervention of the Factor as Mealman is necessary in all great Towns: Without such Interposition the People could not be supplied at all Times without great Inconvenience and Loss; they would be very irregularly and very ill supplied, and often risque a temporary Dearth. If the Mealman has no more than his fair Commission, producing a sufficient Interest for his Capital, it is Money well bestowed by the Community, and well earned by him. I will therefore add next, what I suppose will be thought, in the Way of Business, a reasonable Addition of Price to the Flour on this Account. The Accounts stated on different Sorts of Wheat of different Prices and different Weights stand as follow:

Wheat weighing 58lb. nett *per* Bushel,
costs 48s. *per* Quarter.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Three Quarters of the same,	7	4	0
Charges in Carriage, grinding, and dressing,	0	12	0
	7	16	0

C

These

These Three Quarters produced

	Cwt.	Qrs.	lbs.
In Flour —	9	2	14
In Bran —	2	1	14
Waste —	0	0	48
	12	1	20

The Weight of the Wheat,

9Cwt. 2qrs. 14lb. of this Flour, at

37s. 6d. per Sack. — — 7 4 4½

2Cwt. 1qr. 14lb. of Bran, at 10s. per

Quarter. — — 0 11 10

7 16 2½

So that the whole Flour of Wheat of 48s. per Quarter, and weighing 58lb. per Bushel, ought, so far as the Miller's Profits go, to be sold at 37s 6d. per Sack. Now, if we add to this Two and a Half per Cent. Commission, and suppose that the Mealman on one Hand has no Credit allowed to him, but pays ready Money, yet, on the other, gives Three Months Credit—this Two and a Half per Cent. four Times repeated in the Year, gives Ten per Cent. per Annum Interest on his Capital; but, if we suppose the Mealman, or Miller Mealman, to give but Two Months Credit, or, as is more generally the Case, but Six Weeks Credit to the Baker, this will give an Interest between Fifteen and Twenty per Cent. per Annum; let us then add 11d. or Two and a Half per Cent. to the 37s. 6d. and this will make the Price

38s.

38*s.* 5*d.* *per* Sack, the Price at which the Mealman ought to sell the whole Flour of such Wheat as above.

The next Account is of Wheat weighing 59*lb.* *per* Bushel, which cost 50*s.* *per* Quarter.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To three Quarters of Wheat as above.	7	10	0
To Charges. — — —	0	12	0
	8	2	0

Produce in

	<i>Cwt.</i>	<i>Qrs.</i>	<i>lbs.</i>
Flour —	9	3	10
Bran —	2	1	14
Waste —	0	1	20
	12	2	16

The Flour as above, at 38 <i>s.</i> 2 <i>d.</i>	7	10	2
The Bran Ditto, at 10 <i>s.</i> <i>per</i> Quarter	0	11	10
	8	2	0

Let us here, in like Manner, add Two and a Half *per Cent.* about 11½*d.*, and this will make the Price 39*s.* 1*d.* *per* Sack for the whole Flour of this Wheat, as bought of the Mealman.

The next Account is of Wheat weighing better than 61*lb.* *per* Bushel, and bought at 55*s.* *per* Quarter.

Three Quarters of this Wheat cost	8	5	0
Charges — — —	0	12	0
	8	17	0
	These		

These Three Quarters produce in

		<i>Cwt.</i>	<i>Qrs.</i>	<i>lbs.</i>
Flour	—	10	1	8
Bran	—	2	1	14
Waste	—	0	1	20

Weight of Wheat 13 0 14

Flour as above at 40*s.* *per* Sack

Bran as above, at 10*s.* *per* Quarter

l. *s.* *d.*

8 5 1

0 11 10

8 16 11

Here the Mealman, in selling the Flour at 40*s.* *per* Sack, has 1*d.* in Three Quarters short of the above Profits; but that can be made up in the superadding the Commission. The Commission adds 1*s.* to the Price, so that the whole Flour of Wheat weighing better than 61*lb.* *per* Bushel, and costing 55*s.* *per* Quarter, may be sold by the Mealman at 41*s.* *per* Sack.

If now the Flour was divided so as to answer *precisely* the several Sorts of Bread which the Laws (both the old and the late Act) require, *viz.* Wheaten, Standard Wheaten, and Household; that is to say, The Flour undivided to make the Standard Wheaten Bread; the Flour so divided that Half *only* should contain such Flour as will make *real* Wheaten Bread; and the other fair Half such as should make *real* Household Bread.

Then,

Then, I apprehend, the Prices of the Flour in Proportion to the Price of the Wheat would stand nearly as follow :

Wheat <i>per</i> Quarter	Household <i>per</i> Sack
s.	s. d.
48	33 7½
50	34 2½
55	36 10½
Standard Wheaten.	Wheaten Ditto.
38 5	43 2½
39 1	43 11½
41 3	46 1½

I will not be positive as to the precise Exactness of the above Proportions; I think no great Error in Practice will be found in them. However, I do the rather hazard them before the Publick, that, whilst I am pursuing the Experiments and Inquiries which I am able to make by the Assistance of Office, and some private Friends of the Publick, others going in the same Line may be able to confirm or correct the Propositions which I deduce from them.

Having thus, according to my best Judgement, stated what, from Experiment and fair Calculation, I say *ought* to be the Case, I will here annex what in the ordinary Course of Trade *is* the Case.

I will suppose Wheat to be 44s. the Quarter. The general Course of the Meal Trade divides the Meal of a Load of such Wheat as follows, on the Supposition

Supposition that the Bushel of Wheat produces
42lb. of Flour only.

Household, so they call the Flour
which should make the Wheaten lb.

Bread,	—	—	—	1080
Seconds	—	—	—	215
Thirds	—	—	—	96
Middlings	—	—	—	289
				1680

These they price, and sell as follows :

Household 1080, 43s. per Sack	£. 8	5	10½
Seconds 215, 40s. Ditto	—	1	10 8½
Thirds 96, 38s. Ditto	—	0	13 0½
Middlings 289, 28s. Ditto	—	1	8 10½

The Flour of a Load of Wheat. 11 18 5¾

The Load, or Five Quarters of Wheat,
at 44s. per Quarter — — 11 0 0

The Bran and Pollard do, as the Trade
themselves allow, sufficiently pay for
the grinding and dressing, or the Mil-
ler's Profits. To balance this Account,
it will be found that the Mealman's
Profits is — — — 0 18 5¾

11 18 5¾

OR

or 3s. 8 $\frac{1}{4}$ d. on every Quarter of Wheat, which, at 44s. *per* Quarter, is 8 $\frac{1}{2}$ *per Cent.* This, on a Supposition that the Mealman gives Three Months Credit, is, Four Times repeated in the Year, 34 *per Cent. per Annum*; giving Two Months Credit, and repeated Six Times in the Year, is 51 *per Cent. per Annum*; giving only Six Weeks Credit, or repeated Eight Times in the Year, is 68 *per Cent. per Annum.*

Now all this is calculated on the Supposition that the Quarter of Wheat does produce only 42lb. of Flour, whereas it will produce from 23 $\frac{1}{2}$ to 46, all which must be added to the Profits. This Account is also calculated upon a Supposition that the Bran and Pollard do but barely pay for the Miller's Charges.—When it does more than so, which I suppose the Trade will allow it often does, still more must be added to the Mealmen's Profits.

No Notice is here taken of the Profits accruing to the Mealman, from his being able to form his Meal by a Mixture of various Sorts of Wheat.

All these are fair and just, as I think every one must own the Two and Half *per Cent.* also added to them, must be; even though, by being repeated Six or Eight Times in the Year, it gives a Profit to the Mealman on his Capital of Fifteen or Twenty *per Cent. per Annum.*

When the Mealman's Profits go beyond these, the Bakers, I should think, (if they were not deceived by some amongst them who are Mealmen or in
Partner-

Partnership), would consider the disproportionate Share which the Mealman has of the Profits gained in the Manufacture of Bread-Corn into Bread. The Baker has been long the Servant of the Mealman, without the Mealman's allowing him Journeyman's Wages. When this Matter comes to be understood, this will not long hold. The Price of Labour will not at present buy Bread: This the People feel, and this cannot hold. Can our Trade be carried on under the Burthen of the higher Price of Labour? Melancholy Experience tells us, that our Manufactures are already underfold at the Foreign Market, and Half our Manufacturers are without Employ. Can the Farmer afford to pay more to his Servants and Labourers, and at the same Time sell his Produce for less? At the present Rates of every Article of House-keeping and Living, can the Landholder pay his Tradesman if he gets less from his Estate? If he cannot, the Tradesman must break through bad Debts, and the Mechanic must stand idle. Was there any possible Means of attempting to give Redress in any of these Ways, the only Effect would be that of shifting the Burden from Shoulder to Shoulder round in a Circle, to the succeeding Oppression of every One, with the additional Distress of all, by Disappointment in the End: For, the real Distress which the Poor and Labourer lie under, from the Disproportion of the Price of Bread to the Price of Labour, would still remain. That, we have seen, arises in the first Instance, and in the Main, from the Price which the Mealman sets upon the Flour in Proportion to the Price of Wheat.

“ It

“ It is in vain to think of tying down the Bakers
 “ to sell Bread according to the Assize from the
 “ Market-Price of Wheat, and at the same Time
 “ to leave the Millers at Liberty to buy up the
 “ Wheat, and make the Bakers pay what Price they
 “ please for the Flour.” This is a Conclusion drawn
 from practical Knowledge by Mr. *Pelham* of the
 Victualling Office, to whose Abilities in Office the
 public Service, and out of Office the public Good,
 is much indebted.

I will quote another Authority which will be de-
 cislve on this Point; that of *Charles Smith*, Esq. of
Stratford, who in his Essay on the Corn-Trade and
 Corn-Laws, says, “ The Assize Table seems to want
 “ some Enlargement, no Notice being therein taken
 “ what Price Flour should be esteemed to bear in
 “ Proportion to Wheat.” I am happy not only to
 found my Reasoning upon the Authority of his Opi-
 nion, but to quote him, that, at the same Time
 that I make my Acknowledgements of the Obliga-
 tions I have to his Assistance, I may declare how
 much the Publick in general, and the poor La-
 bourer in particular, owe to him; for, if there be any
 Merit towards them in the late Bread-Act, it derives
 from him in the first Instance. I must at the same
 Time point the Gratitude of the Publick to *Thomas*
Farrer, Esq. of *Mark Lane*, who is a real Friend of
 the Poor; for, to him, if they receive Redress in this
 Article of Bread and in the Price of Flour, they
 owe the first Steps toward the Remedy. This Ar-

ticle of the Price of Flour was formerly, as well as every other Article in the making of Bread from Bread-Corn, regulated by an Affize. It is now between Thirty and Forty Years since Means were found to withdraw it from under the Affize. The Propriety and Practicability of reducing it again under these Regulations, was very thoroughly enquired into and discussed. It was found to be dangerous to attempt all at once by any positive and compulsory Regulations the present Modes of dividing the Flour; and it was found impracticable to attempt any Affize where there could be no Assay so as to ascertain the *Sorts* of Flour, which there cannot be while these Modes remain. The People have been long used to a Kind of Whitened Bread which has been imposed upon them for White Bread, and which they pay for as Wheaten, although it is not such as the Law requires, but worse. When a Man has earned his Money by his Labour, he has a Right to lay it out in what Sort of Bread and Provision he thinks proper. Nothing in the Law was meant to prescribe to him what Sort he should eat. All this is by Law left to the Magistrate and to the Justices in their respective Jurisdictions. There is nothing in the Law which says positively that the Baker shall make and sell the Standard Wheaten Bread; there is nothing which says that the Miller shall provide the proper Flour for it; yet it lies with the Discretion of the Magistrate, where he sees it is desired, and may be done without Hazard, to introduce

duce it. Whenever, in the Course of the Operation of this Act, it is seen that the Demand of the Publick calls for Flour being the whole Produce of the Wheat, it will be in the Power of Law to put the Flour also under the Affize. But, if the People do not call for it, would they wish for the Law to oblige the Miller to make it? the Remedy is in their own Hands, and they may have good and cheap Bread if they please. The Discretion of the Magistrate may lead them to right Apprehensions of the Matter; and to right Habits. An Affize upon the Flour will be the proper Remedy, and by it the Redress in the Matter will be complete. The Means of obtaining a sufficient Knowledge how this Remedy may be applied with Safety and Effect will neither be wanting nor neglected; and, when the Circumstances of the public Consumption are ripe for it, it will be ready at their Call.

T. POWNALL.

hence it. Whenever, in the Court of the Open-
 tion of this Act, it is known that the Demand of the
 Publick calls for Town being the whole Province of
 the West, it will be in the Power of Law to put
 the Town also under the same. But, if the People
 do not call for it, would they wish for the Law to
 oblige the Miller to make it? The Remedy is in their
 own Hands, and they may have good and cheap
 bread if they please. The Operation of the Mill-
 tunc may lead them to make Applications of the
 Matter; and to right Hames. An Act upon the
 Town will be the proper Remedy, and by it the
 Redress in the Matter will be completed. The Means
 of obtaining a sufficient Knowledge how this Re-
 medy may be applied with Safety and Effect will
 neither be wanting nor neglected; and, when the
 Circumstances of the publick Constitution are ripe
 for it, it will be ready to hand.

T. TOWNSEND.